

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

DR. MICHAEL A. GRAY,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:24-CV-104
(GROH)**

MR. PETER CALLAHAN,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 18. The Court referred this civil action to Judge Trumble for consideration of the Plaintiff’s application to proceed without prepayment of fees and affidavit. ECF No. 13. Magistrate Judge Trumble issued an R&R on October 23, 2024, recommending the Plaintiff’s complaint [ECF No. 1] be dismissed without prejudice for failure to state a claim. See generally ECF No. 18 (citing 28 U.S.C. § 1915(e); Michau v. Charleston Cnty., 434 F.3d 725, 727 (4th Cir. 2006)).

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a party’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94

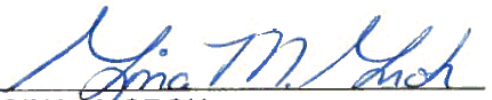
(4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the parties being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Plaintiff accepted service of the R&R on November 22, 2024, and the Defendant accepted service of the R&R on November 20, 2024. ECF Nos. 20, 21. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds the deadline to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 18] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Plaintiff's complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket and terminate all pending motions. The Clerk is **FURTHER DIRECTED** to mail a copy of this Order to the *pro se* parties by certified mail, return receipt requested, at their respective addresses as reflected on the docket sheet.

DATED: December 17, 2024


GINA M. GROH
UNITED STATES DISTRICT JUDGE